

ALASKA STATUTES

Title 40 - Open Records Act

Chapter 40.25. Inspection and Copying of Public Records

Sec. 40.25.110. Public records open to inspection and copying; fees.

(a) Unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of the fee established under this section or AS 40.25.115 a certified copy of the public record.

(b) Except as otherwise provided in this section, the fee for copying public records may not exceed the standard unit cost of duplication established by the public agency.

(c) If the production of records for one requester in a calendar month exceeds five person-hours, the public agency shall require the requester to pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay the fee before the records are disclosed, and the public agency may require payment in advance of the search.

(d) A public agency may reduce or waive a fee when the public agency determines that the reduction or waiver is in the public interest. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated. A public agency may waive a fee of \$5 or less if the fee is less than the cost to the public agency to arrange for payment.

(e) Notwithstanding other provisions of this section to the contrary, the Bureau of Vital Statistics and the library archives in the Department of Education and Early Development may continue to charge the same fees that they were charging on September 25, 1990, for performing record searches, and may increase the fees as necessary to recover agency expenses on the same basis that was used by the agency immediately before September 25, 1990. Notwithstanding other provisions of this section to the contrary, the division of banking, securities, and corporations in the Department of Community and Economic Development may continue to charge the same fees that the former Department of Commerce and Economic Development was charging on July 1, 1999, for performing record searches and may increase the fees as necessary to recover agency expenses on the same basis that was used by the former Department of Commerce and Economic Development immediately before July 1, 1999.

(f) Notwithstanding other provisions of this section to the contrary, the Board of Regents of the University of Alaska may establish reasonable fees for the inspection and copying of public records, including record searches.

(g) Notwithstanding other provisions of this section to the contrary, the board of directors of the Alaska Railroad Corporation may establish reasonable fees for the inspection and copying of public records, including record searches.

(h) Notwithstanding other provisions of this section to the contrary, the judicial branch may establish by court rule reasonable fees for the inspection and copying of public records, including record searches.

(i) Electronic information that is provided in printed form shall be made available without codes or symbols, unless accompanied by an explanation of the codes or symbols. (§ 3.22 ch. 101 SLA 1962; am §§ 2, 3 ch 200 SLA 1990; ;am § 1 ch 58 SLA 1999)

Revisor's notes. – Formally AS 09.25.110. Renumbered in 2000, at which time, in subsection (a), “AS 40.25.115” was substituted for “AS 09.25.115” to reflect the 2000 renumbering of AS 09.25.115.

Effect of Amendments – The 1999 amendment, effective July 1, 1999, in subsection (e), made minor stylistic changes, substituted “and Early Development” for “and the division of banking, securities, and corporation in the department of commerce and economic development,” and added the last sentence.

The 1990 amendment rewrote subsection (a) and added subsections (b)-(i).

Cross References - For proof of public records, see Evid. R. 1005; for management and preservation of public records, see AS 40.21.

For legislative findings and intent in connection with the 1990 amendments to this section, see Sec. 1, ch. 200, SLA 1990 in the Temporary and Special Acts.

AG Opinions - As to confidentiality of oil and gas documents held by state agencies, see Nov. 24, 1980 Op. Att'y Gen.

When the taxpayer files the notice of appeal, a Department of Revenue hearing decision may be made public because the taxpayer is, in effect, waiving any right to confidentiality he may have had. June 16, 1983 Op. Att'y Gen., modifying March 12, 1980 Op. Att'y Gen. to the extent that the time when the decision becomes a part of the public record is changed from the issuance of a court order to prepare the record to the filing of the notice of the appeal.

Certain provisions contained in a Subscriber Service Agreement with the Credit Bureau of Alaska, which provided that the subscriber (the Division of Accounting and Collections) agreed to make available to the credit bureau "all its consumer credit experience records pertaining to individuals located with the Bureau's geographic area of file building," did not violate the individual privacy of borrowers. May 11, 1984 Op. Att'y Gen.

All materials received in response to the request for proposals (RFP) for the Anchorage Office Complex (AOC) were "public documents" subject to disclosure, but disclosure of certain records could have been delayed until a tentative contract award. During the evaluation process, the financial component of any proposal was not subject to disclosure. Further, the state or its agents could have properly declined to disclose records which would have compromised the anonymity of the aesthetic evaluation process. Jan. 30, 1985 Op. Att'y Gen.

The Office of Management and Budget (OMB) has the authority to provide the public with copies of the audits it receives under 2 AAC 45.010 (audits submitted by entities that have received state financial assistance from state agencies). Aug. 12, 1987 Op. Att'y Gen.

The Mental Health Board may have access to documents reflecting communications between the Department of Law and the Department of Health and Social Services to the extent that the commissioner of health and social services believes is appropriate. To the extent that the commissioner authorizes such access for documents which nonetheless are not subject to public disclosure (e.g., subject to the attorney/client privilege or the executive

privilege), the board is required to preserve that confidentiality. Aug. 15, 1988 Op. Att'y Gen.

The names of purchasers of homes and condominiums, and the sales prices, are not confidential, and thus may be released to the public. Jan. 9, 1989 Op. Att'y Gen.

College transcripts of certified teachers or certificate applicants are not confidential, and they must be released at the request of a member of the public. Nov. 4, 1992 Op. Att'y Gen.

Decisions - For discussion of the history of this section, - see *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Broad policy. - This section and AS 09.25.120 articulate a broad policy of open records. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

The "agencies and departments" language - used in this section must be read as referring to the agencies and departments of the governments to which the statute applies, but that language itself does not define what the applicable level of government is. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982) (decided prior to 1990 amendment).

The word "public" - as used in this section and AS 09.25.120 with "officer" refers both to state and local officials. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Deliberative process privilege. - Legislative proposal by state departments and agencies sent to the Governor to aid him in deciding what legislation to propose to the legislature were predecisional and deliberative and fell within the deliberative process privilege. *Capital Info. Group v. State, Office of the Governor*, 923 P.2d 29 (Alaska 1996).

Budget impact memoranda prepared by state department heads at the request of the director of the Office of Management and Budget pursuant to AS 37.07.050, although meeting the threshold requirements of the deliberative process privilege, were required to be disclosed by the terms of AS 37.07.050(g). *Capital Info. Group v. State, Office of the Governor*, 923 P.2d 29 (Alaska 1996).

Application to municipalities. - The provisions of this section are applicable to municipalities. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

In light of the common law rule, legislative history, and the court's reading of the sections, the state supreme court will construe this section and AS 09.25.120 as that court would have construed them prior to 1957, which is as a strong legislative declaration that records in the possession of municipalities shall be available for public inspection, subject to exceptions based on need. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Disclosure of applications for public posts. - Strong public interest in the disclosure of the affairs of government generally, and in an open selection process for high public officials in particular, requires public disclosure and inspection of applications for posts having substantial discretionary authority. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Lawsuit settlement agreement terms. - A public agency may not circumvent the statutory disclosure requirements by agreeing to keep the terms of a lawsuit settlement agreement confidential. *Anchorage Sch. Dist. v. Anchorage Daily News*, 779 P.2d 1191 (Alaska 1989).

University of Alaska. - The legislature intended to include the University of Alaska within the scope of state agencies subject to the public records statute. *Carter v. Alaska Pub. Employees Ass'n*, 663 P.2d 916 (Alaska 1983).

The president of the University of Alaska is a public officer for purposes of this section. *Carter v. Alaska Pub. Employees Ass'n*, 663 P.2d 916 (Alaska 1983).

Letters sent by citizens to governor regarding appointments - are public records within the scope of the public records statute, AS 09.25.110 - 09.25.120. *Doe v. Alaska Superior Court*, 721 P.2d 617 (Alaska 1986).

Exceptions to disclosure requirements. - Exceptions to the disclosure requirements of this section are construed narrowly in furtherance of the legislature's expressed bias in favor of broad public access. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

The Open Meetings Act, - which provides for closed executive sessions when subjects potentially prejudicial to reputation are discussed, does not establish an express exception to the pro-disclosure requirements of the Public Records Act or otherwise permit the suppression of documents produced at such sessions. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

Child Custody proceedings. - Although the public records law provides that public records are open to inspection, because AS 25.20.120 allows the court to close the records of child custody proceedings "if it is in the best interests of the child," an order sealing those records was proper. In *RE Alaback*, 997 P.2d 1181 (Alaska 1990).

Report of mayor's blue ribbon fiscal policy committee, - appointed to investigate city's economic condition, was not exempt from ordinary disclosure requirements, where the report was the product of a public process and was intended for public dissemination. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

Time sheets. - Time sheets which indicate merely the hours worked for a public employer are included in the definition of "public records" in AS 09.25.220(3), and they are no subject to the confidentiality provisions of AS 39.25.080. *Alaska Wildlife Alliance v. Rue*, 948 P.2d 976 (Alaska 1997).

Under the right of privacy provisions, Alaska Const., art. I, § 22, the Department of Fish & Game was entitled to redact the names of public employees and private contractors from time sheets required under the Public Records Act, where those individuals had received threats against their lives. *Alaska Wildlife Alliance v. Rue*, 948 P.2d 976 (Alaska 1997).

Superior court order - requiring city library advisory board to release to a newspaper a performance evaluation report pertaining to a head librarian was affirmed, where the evaluation did not in any way deal with the personal, intimate, or otherwise private life of the librarian. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

Government bears burden of justifying denial of access. - When the government seeks to deny access to a particular public document, it is the government which bears the initial burden of presenting evidence justifying denial. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

A governmental agency is not entitled to delay access - to a public document through the use of depositions where it has presented no prima facie defense to release. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

Disclosure withheld from Office of Governor. - Because the seven disputed documents were all predecisional and deliberative, and because plaintiff's need for the documents did not outweigh the interest of the Office of the Governor in preventing interference with its decisionmaking process, the documents were properly withheld as privileged. *Gwich'in Steering Comm. V. State*, 10 P.3d 572 (Alaska 2000).

Registry of users of marijuana for medicinal purposes. - Alaska's medical marijuana law does not require medical marijuana users to divulge any

details about the debilitating conditions they suffer, and although it does require them to register and to identify their approving physicians, the law explicitly requires the department to keep the registry confidential; therefore, the law's confidential registration process does not violate the constitutional right to privacy, *Rollins v. Ulmer*, 15 P.3d 749 (Alaska 2001).

Applied in *Meiners v. Bering Strait Sch. Dist.*, 687 P.2d 287 (Alaska 1984).

Cited in *O'Leary v. Superior Court*, 816 P.2d 163 (Alaska 1991).

Collateral Refs -

Finding of draft board as evidence of physical condition of one registered. 16 ALR 247.

Admissibility of report of public officer or employee on cause of or responsibility for injury to person or damage to property. 153 ALR 163; 69 ALR2d 1148.

Collateral references. – Admissibility of report of public officer or employee on cause of or responsibility for injury to person or damage to property. 69 ALR2d 1148.

Sec. 40.25.115. Electronic services and products.

(a) Notwithstanding AS 40.25.110 (b) - (d) to the contrary, upon request and payment of a fee established under (b) of this section, a public agency may provide electronic services and products involving public records to members of the public. A public agency is encouraged to make information available in usable electronic formats to the greatest extent feasible. The activities authorized under this section may not take priority over the primary responsibilities of a public agency.

(b) The fee for electronic services and products must be based on recovery of the actual incremental costs of providing the electronic services and products, and a reasonable portion of the costs associated with building and maintaining the information system of the public agency. The fee may be reduced or waived by the public agency if the electronic services and products are to be used for a public purpose, including public agency program support, nonprofit activities, journalism, and academic research. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated.

(c) Notwithstanding (b) of this section, the fee for duplicating a public record in the electronic form kept by a public agency may not exceed the actual incremental costs of the public agency.

(d) Public agencies shall include in a contract for electronic services and products provisions that

(1) protect the security and integrity of the information system of the public agency and of information systems that are shared by public agencies; and

(2) limit the liability of the public agency providing the services and products.

(e) Each public agency shall notify the state library distribution and data access center established under AS 14.56.090 of the electronic services and products offered by the public agency to the public under this section. The notification must include a summary of the available format options and the fees charged.

(f) When offering on-line access to an electronic file or data base, a public agency also shall provide without charge on-line access to the electronic file or data base through one or more public terminals.

(g) Each public agency shall establish the fees for the electronic services and products provided under this section. The Telecommunications Information Council may cancel the fees established by a public agency in the executive branch, except the fees of the University of

Alaska and the Alaska Railroad Corporation, if the council determines that the fees are unreasonably high.

(h) A public agency may not make electronic services and products available to one member of the public and withhold them from other members of the public.

(i) A public agency other than a municipality or the Alaska Railroad Corporation shall separately account for the fees received by the agency under this section and deposited in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the agency to carry out the activities of the agency. (§ 4 ch 200 SLA 1990; am § 102 ch 4 FSSLA 1992)

Revisor's notes. – Formally AS 09.25.115. Renumbered in 2000, at which time, in subsection (a), “AS 40.25.110(b) – (d)” was substituted for “AS 09.25.110(b) – (d)” to reflect the 2000 renumbering of AS 09.25.110.

Cross references. – For legislative findings and intent in connection with the enactment of this section, see § 1, ch. 200, SLA 1990 in the Temporary and Special Acts.

Effect of amendments. – The 1992 amendment, effective July 1, 1992, in subsection (g), substituted “except the fees of” for “including the Alaska State Housing Authority, but no including.”

Sec. 40.25.120. Public records; exceptions; certified copies.

(a) Every person has a right to inspect a public record in the state, including public records in recorders' offices, except

(1) records of vital statistics and adoption proceedings, which shall be treated in the manner required by AS 18.50;

(2) records pertaining to juveniles unless disclosure is authorized by law;

(3) medical and related public health records;

(4) records required to be kept confidential by a federal law or regulation or by state law;

(5) to the extent the records are required to be kept confidential under 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure or retain federal assistance;

(6) records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information

(A) could reasonably be expected to interfere with enforcement proceedings;

(B) would deprive a person of a right to a fair trial or an impartial adjudication;

(C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;

(D) could reasonably be expected to disclose the identity of a confidential source;

(E) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions;

(F) would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or

(G) could reasonably be expected to endanger the life or physical safety of an individual;

(7) names, addresses, and other information identifying a person as a participant in the Alaska Higher Education Savings Trust under AS 14.40.802 or the advance college tuition savings program under AS 14.40.803 - 14.40.817;

(8) public records containing information that would disclose or might lead to the disclosure of a component in the process used to execute or adopt an electronic signature if the disclosure would or might cause the electronic signature to cease being under the sole control of the person using it;

(9) [See delayed repeal note]. reports submitted under AS 05.25.030 concerning certain collisions, accidents, or other casualties involving boats.

(b) Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the fees under AS 40.25.110 - 40.25.115 a certified copy of the record, and the copy shall in all cases be evidence of the original.

(c) Recorders shall permit memoranda, transcripts, and copies of the public records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of the records and to prevent interference with the regular discharge of the duties of the recorders and their employees. (§ ch 3.23 ch 101 SLA 1962; am § 5 ch 200 SLA 1990; am § 1 ch 113 SLA 1994; am § ch 1 102 SLA 1997; am § 2 ch 65 SLA 1998; am § 1 ch 3 SLA 2000; am § 24 ch 28 SLA 2000)

Delayed repeal of paragraph (a)(9). – Under secs. 27 and 30, ch. 28, SLA 2000, paragraph (a)(9) of this section is repealed effective on the earlier of July 1, 2005, or the occurrence of the contingency described in sec. 30(2), ch. 28, SLA 2000, which is “90 days after the date the chair of the Alaska Legislative Council notifies the revisor of statutes that in the previous state fiscal year the state did not receive and does not anticipate receiving federal funding for a statewide boating and safety education program; the director of the division of legislative finance shall notify the chair of the Alaska Legislative Council when the state, in the previous fiscal year, did not receive federal funding for a statewide boating and safety program; the chair of the Alaska Legislative Council may not give the notice described in this paragraph unless the notice is approved by a vote of a majority of the members of the Alaska Legislative Council.”

Revisors Notes – Formerly AS 09.25.120. Renumbered in 2000, at which time, in subsection (b), “AS 40.25.110 – 40.25.115” was substituted for “AS 09.25.110 – 09.25.115” to reflect the 2000 renumbering of AS 09.25.110 and 09.25.115.

Reorganized into subsections in 1994.

Cross References - For provisions related to personal information in public records, see AS 44.99.300 - 44.99.350.

Effect of Amendments - The 1990 amendment rewrote this section.

The 1994 amendment, effective September 1, 1994, made a minor stylistic change in the introductory language and added "unless disclosure is authorized by law" at the end of paragraph (a)(2).

The 1997 amendment, effective July 3, 1997, in subsection (a), added paragraph (7) and made minor stylistic changes.

The 1998 amendment, effective September 1, 1998, added paragraph (a)(8) and made related stylistic changes.

The first 2000 amendment, effective March 16, 2000, in paragraph (a)(7) inserted "the Alaska Higher Education Savings Trust under AS 14.40.802 or" and substituted "savings" for "payment."

The second 2000 amendment, effective August 9, 2000, added paragraph (a)(9).

AG Opinions - Disclosing library use records, while deleting any references which would allow the library patron to be identified, should, in most cases, satisfy the policies underlying the Freedom of Information Act without interfering with privacy interests. There may, however, be some instances in which the release of names is necessary to accomplish an important public interest. Such requests should be reviewed on a case-by-case basis with advice from the Department of Law. July 13, 1984 Op. Att'y Gen.

The Alaska Judicial Council is a public agency, and its records are public records subject to the provisions of this section. Oct. 3, 1984 Op. Att'y Gen.

The Judicial Council is authorized to adopt rules and regulations regarding the confidentiality of its own records, provided they are consistent with state statutes, including this section. For those cases where considerations favoring disclosure are nearly equal to those favoring confidentiality, rules or regulations may, and indeed should, be adopted to set guidelines for use in deciding whether disclosure should be made. Oct. 3, 1984 Op. Att'y Gen.

Any letters concerning judicial applicants which are transferred by the Judicial Council to the governor remain confidential in the hands of the governor and should not be disclosed to the public. Oct. 3, 1984 Op. Att'y Gen.

Portions of trip memoranda prepared by the governor which related to personal matters were not public records subject to release. Further, the "public record" portion of the trip memoranda were communications which the governor's office, in its discretion, could have declined to release under the doctrine of executive privilege. Finally, even if the governor waived any claim to executive privilege, he should have declined to release material which compromised an individual's privacy rights, unless a waiver was obtained. Sept. 24, 1985 Op. Att'y Gen.

The radio frequencies of the Department of Fish and Games telemetry transmitters that are used to track wildlife in the state should not normally be disclosed to the public because this disclosure would be against the public interest. While there is no state statute specifically requiring these radio frequencies to be kept confidential, there are two other sources of "state law" under which records may be required to be kept confidential: (1) the right of privacy specified in article I, section 22 of the Alaska Constitution; and (2) the common-law "public interest" exception. Oct. 21, 1985 Op. Att'y Gen.

In response to a public records request received by the Division of Retirement and Benefits concerning former state troopers, firemen, and fish and wildlife protection officers who were receiving occupational disability benefits under the Public Employees' Retirement System (PERS), which request included asking for the recipients' names, former positions with the state, dates of injury, types of injury or disability, retirement dates, and amounts of monthly benefits, the public interest was served by providing the requested information, but, in order to protect the privacy interests of the benefit recipients, all personal references and information that would have easily allowed identification of individuals had to be deleted. Aug. 6, 1986 Op. Att'y Gen.

The names and addresses of individual trappers, contained on Alaska Department of Fish and Game wolf sealing forms, are not expressly exempted from the public disclosure requirements of AS 09.25.110, and there is no constitutional or common-law requirement for confidentiality. Sept. 3, 1986 Op. Att'y Gen.

Certain private business records in the possession of the Department of Commerce and Economic Development, which were submitted voluntarily, in

order for the department to carry out its statutory duty to conduct economic development studies relating to domestic fish harvesting, which records included those used by seafood processors to formulate business plans for future years - data on volume/species mixes, target areas of the state, and market share information - were probably not a matter of public record, but this result may have varied depending on the content of particular documents. Without a regulation based on statutory or constitutional authority, the department had to, in each case, balance the interest of the business with the public's right to know. Dec. 8, 1986 Op. Att'y Gen.

Active investigation files of the Alaska Public Offices Commission (APOC) cannot be viewed and copied. There are at least three demonstrable public and private interests which, at least in the aggregate, outweigh the public's right to have access to these files: (1) the agency and the public have an interest in preserving the integrity and effectiveness of law enforcement investigations, and that interest may be jeopardized by the release of active investigative files; (2) release of unevaluated information to the public may unfairly impair the reputation of the subjects of the investigation, and may come perilously close to violating their due process rights guaranteed by the state and federal constitutions; and (3) Alaska's constitutional right to privacy requires APOC to use extreme caution in disclosing unverified or unevaluated charges of materials obtained by the agency in the course of an investigation. Apr. 30, 1987 Op. Att'y Gen.

The Child Support Enforcement Division could release a list of child support obligors who are in arrears, pursuant to a request by a newspaper under the state's public records statutes. In releasing this information, however, the division could not identify those cases which were related to Aid to Family with Dependent Children. The division also had to explain to the newspaper that the existence of arrears was disputable by the individual obligors. May 30, 1989 Op. Att'y Gen.

The Workers' Compensation Division may not, in response to a public information request, release its electronic data base in its entirety, but may release the information contained in the data base if social security numbers are deleted. Public agencies are prohibited under the federal Privacy Act of 1974 from disclosing claimants' social security numbers if the claimants were not informed whether the disclosure was voluntary or mandatory or told of the potential uses of the numbers when the number was provided. Furthermore the release of an electronic data base that contains names matched with individual social security numbers in response to a public information request appears to violate the protections intended under the Privacy Act. Nov. 13, 1992 Op. Att'y Gen.

Decisions - For discussion of the history of this section, - see *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Broad policy. - AS 09.25.110 and this section articulate a broad policy of open records. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Effect of "in the state" language. - When the legislature chose to say "in the state," and not "of the state" in the first sentence of this section, they were conscious of the fact that they were defining scope and had it been intended to limit the application of this section to state agencies and departments, it could easily and clearly have done so. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

The word "public" - as used in AS 09.25.110 and this section with "officer" refers both to state and local officials. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Deliberative process privilege. - Legislative proposal by state departments and agencies sent to the Governor to aid him in deciding what legislation to propose to the legislature were predecisional and deliberative and

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Application to municipalities. - The provisions of AS 09.25.110 and this section are applicable to municipalities. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

In light of the common law rule, legislative history, and the court's reading of the sections, the state supreme court will construe AS 09.25.110 and this section as that court would have construed them prior to 1957, which is as a strong legislative declaration that records in the possession of municipalities shall be available for public inspection, subject to exceptions based on need. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Disclosure of applications for public posts. - Strong public interest in the disclosure of the affairs of government generally, and in an open selection process for high public officials in particular requires public disclosure and inspection of applications for posts having substantial discretionary authority. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316 (Alaska 1982).

Lawsuit settlement agreement terms. - A public agency may not circumvent the statutory disclosure requirements by agreeing to keep the terms of a lawsuit settlement agreement confidential. *Anchorage Sch. Dist. v. Anchorage Daily News*, 779 P.2d 1191 (Alaska 1989).

University of Alaska. - The legislature intended to include the University of Alaska within the scope of state agencies subject to the public records statute. *Carter v. Alaska Pub. Employees Ass'n*, 663 P.2d 916 (Alaska 1983).

Documents concerning citizen's petition to oust police chief were not subject to inspection since the citizens had a reasonable expectation that their contacts and the police department would not be publicly disclosed. *Ramsey v. City of Sand Point*, 936 P.2d 126 (Alaska 1997).

Letters sent by citizens to governor regarding appointments - are public records within the scope of the public records statute, AS 09.25.110 - 09.25.120. *Doe v. Alaska Superior Court*, 721 P.2d 617 (Alaska 1986).

Exceptions to disclosure requirements. - Exceptions to the disclosure requirements of this section are construed narrowly in furtherance of the legislature's expressed bias in favor of broad public access. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

The Open Meetings Act, - which provides for closed executive sessions when subjects potentially prejudicial to reputation are discussed, does not establish an express exception to the pro-disclosure requirements of the Public Records Act or otherwise permit the suppression of documents produced at such sessions. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

Report of mayor's blue ribbon fiscal policy committee, - appointed to investigate city's economic condition, was not exempt from ordinary disclosure requirements, where the report was the product of a public process and was intended for public dissemination. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

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A governmental agency is not entitled to delay access - to a public document through the use of depositions where it has presented no prima facie defense to release. *Municipality of Anchorage v. Anchorage Daily News*, 794 P.2d 584 (Alaska 1990).

Governor's Reapportionment Board. - Where the Governor's Reapportionment Board ignored some written requests for records and released certain materials in an untimely manner, the Board violated the Public Records Act. *Hickel v. Southeast Conference*, 868 P.2d 919 (Alaska 1994).

Collateral Refs - 66 Am. Jur. 2d, Records and Recording Laws, Sec. 12-31.

76 C.J.S., Records, Sec. 34-41.

Validity, construction, and application of statutes making public proceedings open to the public, 38 ALR3d 1070.

Confidentiality of records as to recipients of public welfare, 54 ALR3d 768.

Validity, construction, and application of statutory provisions relating to public access to police records, 82 ALR3d 19.

Restricting access to judicial records of state courts, 84 ALR3d 598.

Payroll records of individual government employees as subject to disclosure to public, 100 ALR3d 699.

